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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,555	08/09/2001	Helmut Braun	A-2900	6226

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06/10/2003

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT PAPER NUMBER

2854

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,555

Applicant(s)

BRAUN ET AL.

Examiner

Anthony H Nguyen

Art Unit

2854

-- Th MAILING DATE of this communication appears on th cov r sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 33 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2854

Applicant's election of Group I (Claims 1-32 and 35) in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Accordingly, claims 33 and 34 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, there is no proper antecedent basis for "the group" in line 6. Additionally, in claim 12 the last four line is vague since it is unclear how "the group" consisting of both "an overpressure" and "an underpressure" as compared to the ambient pressure.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2854

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 8 -11, 21-28, 30-32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by the Great Britain Patent # 1,085,743 (the GB '743).

With respect to claims 1,2, 21-28, 30-32 and 35, the GB '743 teaches a method and a printing machine or duplicating machine having an ionic fan 15 for generating the air stream as recited in the claims (the GB '743, Figs. 1 and 3).

With respect to claims 3,5,8-11, a plurality of ionizing needles 28 and holes 30 constitute a plurality of ionic fans disposed adjacent to one another as shown in Figs.2 of the GB '743.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,7,12,29 and 32 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over the Great Britain Patent # 1,085,743 (the GB '743) in view of Weisperber (US 4,643,414).

The GB '743 teaches all that is claimed, except for the ionic fans which are individually controlled to generate a desired flow field. See the explanation of the GB '743 above. Weisperber teaches the sheet-delivery control and regulating apparatus

Art Unit: 2854

fans 38 which are individually controlled for controlling a cushion of air which are directed against sheets 41 as shown in Fig.5 (see Weisperber, col.8 lines 52-67). In view of the teaching of Weisperber, it would have been obvious to one of ordinary skill in the art to modify the ionic fans of the GB '743 by providing the controller as taught by Weisperber for precise controlling of the ionic fans in the GB '743.

Claims 13-20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over the Great Britain Patent # 1,085,743 (the GB '743) in view of Platsch (US 6,038,998)

With respect to claims 13-17, The GB '743 teaches all that is claimed, except for the feed unit which connects to a powder container. See the explanation of the GB '743 above. Platsch teaches a device for applying powder to sheets passing through a printing press having a feed unit 112, 114, 116 which connects to a powder container 30 (Platsch, Figs.2 and 6). In view of the teaching of Platsch, it would have been obvious to one of ordinary skill in the art to modify the printing press of the GB '743 by providing the feeding unit as taught by Platsch for optimum distributing the powders on the sheets through the ionic fans in the GB '743.

With respect to claims 18 and 19, the use of a controller for controlling individually a plurality of fans is well known in the art. For example, see the explanation with respect to claims 4, 7, 12, 29 and 32 above.

With respect to claim 20, Platsch teaches the use of a fan unit 114 to suck away excess powder in the region of the sheet guiding device 24 (Platsch, Fig.6 and col.8, lines 53-67).

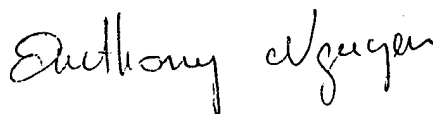
Conclusion

Art Unit: 2854

The patents to Edwards, Gunlack et al., Sheridon et al., Frank et al. and Tamura et al. are cited to show other structures and method having obvious similarities to the claimed structure and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Anthony Nguyen
6/5/03
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